

McBride Spectrum Partners, LLC

July 24, 2007

Via Electronic Filing

Chairman Kevin J. Martin
Commissioner Michael J. Copps
Commissioner Deborah T. Tata
Commissioner Jonathan S. Adelstein
Commissioner Robert M. McDowell

**Re: WT Docket No. 06-150; CC Docket No. 94-102; WT Docket No. 01-309
WT Docket No. 03-264; WT Docket No. 06-169; PS Docket No. 06-229
WT Docket No. 96-86**

McBride Spectrum Partners, LLC, (MSP) wish to commend you and the Commission for the proposed "**open network access**" policies being developed in connection with the 700MHz. spectrum auctions. As a true small business that has successfully won spectrum licenses in five different FCC spectrum auctions, No. 5, 22, 35, 44, and 49 we look forward to an evenhanded playing field in 700MHz, auctions with the hope and expectation that the upcoming 700MHz auctions will provide us with a meaningful opportunity to acquire additional spectrum to develop new and innovative services for the benefit of American wireless consumers.

With this in mind, we therefore urge the Commission to continue to hold firm against pressure from the incumbent nationwide wireless carriers and their trade association's opposition to network openness and its attempt to strong hold the American airwaves. As a result of the lobbying from companies with fresh visions like Google's and pursuant to the interests of the real parties at hand "the American people" who's comments have been heard and weighed, open access is a must. Small business may have a real opportunity to acquire spectrum in the up-coming 700MHz auction only if open access is part of the auction rules. The Commission is therefore precisely correct in adhering to the fully-considered consensus of an open wireless network which is supported by the American people and small business.

The Commission clearly understands that the underlying success of the 700 MHz. auctions is in the hands of small business and not the incumbent wireless telecommunications carriers. Small business is the life blood of this Nation eager to build the next future broadband network beyond the current

analog networks of today. Although the well-financed nationwide carriers have mounted an aggressive lobbying campaign against network openness the Commission must continue to vigilantly protect its record of enhancing diversity and promoting small business presence in the wireless communications industry. Any garnishment of the proposed network openness requirements even if seemingly minor, will preclude small business and other similarly-situated companies from meaningful participation in the wireless industry going forward, tilting the playing field wholly in favor of the national carriers. We oppose any rules that don't include an open network with inter-network mandatory roaming agreements or any modifications of the auction structure that is not in favor of small business or moves in a direction that would diminish or hinder a path toward deployment of a nationwide pure IP broadband mobile network.

MSP would like to ask that the entire 22MHz. of spectrum in upper 700MHz. block set-aside for open access be sold in CMA market sizes so that all small business can bid on them and not just billion dollar market cap companies like AT&T or Googles. If the licenses are to be TRULY open access then it would be very easy for the winners of the CMA markets to reach roaming agreements and build a nationwide network. The Commission should not structure the auction rules for any one company. A 700MHz. auction with CMA markets would bring small business to the table and ring in larger auction revenue for the U.S. tax payers, even if diversity of spectrum ownership was the nucleus of Congress intent when it first allowed the FCC to auction off the American airwaves, "Section 309(j)" and not to maximize revenues using spectrum auctions. Maximizing revenues should not even be considered by the Commission.

For these reasons, we commend the Chairman and the Commission for the proposed network openness regulations giving small business the opportunity to participate in the 700MHz. auction and the opportunity to offer new and innovative wireless services in competition with the incumbent nationwide wireless telecommunications carriers. MSP intends to bid in the up-coming 700 MHz. auction as long as we have a level playing field with open network access requirements and CMA markets as part of the auction rules.

Respectfully Submitted,

Vincent D. McBride
McBride Spectrum Partners, LLC

/S/ Vincent D. McBride